

## **REMARKS**

### **Posture of the Case**

Claims 1-29 were originally filed. A non-final Office action of March 14, 2007 rejected all claims under 35 U.S.C. 103(a), as well as objecting to the drawings and specification. In order to overcome the rejections and objections, Applicant responsively amended the claims, the specification, and FIG. 1 of the drawings in Reply A filed July 15, 2007. In a Preliminary Amendment of August 7, 2007, Applicant further amended claims 30, 31, and 40.

### **Present Office Action and Action**

The present, final Office action (the "Final Office Action") indicates that the amendments to the drawings and specification made in Reply A were acceptable and that the Examiner has withdrawn prior objections to the drawings and specification.

Claim 30 stands objected to because of an informality and is also rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claims 30, 31, 40, 5, 34, 43, 6, 35, 44, 7, 36, 45, 9, 38, and 47 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3-5, 9, 30-34, 38, 40-43 and 47 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,763,466 ("Glover") in view of US Patent 6,721,721 ("Bates").

Claims 6-8, 10, 35-37, 39, 44-46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glover in view of Bates and further in view of US Patent 7,143,113 ("Radatti").

### **Applicant's Arguments**

Applicant herein cancels claims 3-10, and 30-48, and herein submits new claims 49, 53 and 57 to overcome the rejections. No new matter is presented, since the original application provides support for the amendments. In particular, concerning claims 49, 53 and 57, support for the amendments is as follows:

a. Regarding "updating, at successive update times, virus definitions for resources stored on a data processing system," see original application, page 8, lines 27-28 (periodic execution of antivirus software); page 11, lines 1-4 and 27-28 (first and second updates); page 19, lines 31-34 (virus definitions added);

b. Regarding “scanning the resources for viruses in first and second scanning instances responsive to the virus definitions updated at respective first and second ones of the update times,” see original application, page 19, lines 31-34 (scanning after virus definition added); page 20, lines 21-22 (twice observed virus scan);

c. Regarding, “computing hash values for the resources at the first and second update times,” see original application, page 11, lines 11-13 and 27-28 (hashes computed for scans);

d. Regarding, “classifying each of the resources as higher or lower priority responsive to whether the hash values for each resource are equal for the first and second update times and whether the scanning determines each resource is virus free in both the first and second scanning instances,” see original application, page 20, lines 21-27 (classifying as low priority those hashes twice observed, where scanning indicates virus free);

e. Regarding, “updating the virus definitions at a next update time,” see original application, page 20, lines 21-22 and 31 (virus definition changed after twice updating);

f. Regarding, “scanning the resources for viruses in a next scanning instance responsive to the virus definitions updated at the next time, wherein in the next scanning instance the ones of the resources classified as higher priority are scanned before the ones of the resources classified as lower priority,” see original application, page 20, lines 31-32 (low priority resources not scanned immediately, as are higher priority resources).

Applicant submits that the references relied upon for the rejection do not teach or suggest, alone or in combination, the amended claim features for which support is recited in a-f herein above. Among others of the distinguishing features, Applicant particularly notes that the references do not teach or suggest scanning the resources for viruses in a next scanning instance responsive to the virus definitions updated at the next time, wherein in the next scanning instance the ones of the resources classified as higher priority are scanned before the ones of the resources classified as lower priority, as recited in claims 49, 53 and 57. For at least these reasons, the invention as recited in amended claims 49, 53 and 57 is patentably distinct.

In addition, Applicant herein submits new claims 50, 54, and 58 to still further particularly point out the patentably distinct invention and overcome the rejections. No new matter is presented, since the original application provides support for the amendments.

In particular, claims 50, 54 and 58 recite “the data processing system has activity intervals of higher and lower activity and in the next scanning instance the scanning of the ones of the resources classified as lower priority is performed during one of the lower activity intervals.” Applicant submits that the references do not teach or suggest this. For support see original application, page 20, lines 31-32 (rescanning deferred until low system activity).

In addition, Applicant herein submits new claims 51, 55 and 59 to still further particularly point out the patentably distinct invention and overcome the rejections. No new matter is presented, since the original application provides support for the amendments.

In particular, claims 51, 55 and 59 recite “a scanning interval is defined from a time of the first scanning instance until a time of the second scanning instance and the classifying is further responsive to whether the scanning interval exceeds a predetermined threshold.” Applicant submits that the references do not teach or suggest this. For support see original application, page 20, lines 23-27 (T2-T1 greater than certain threshold).

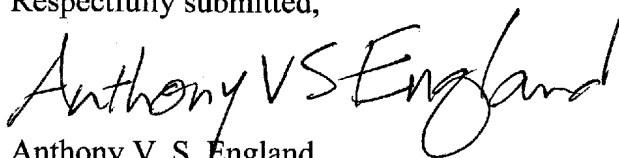
In addition, Applicant herein submits new claims 52, 56 and 60 to still further particularly point out the patentably distinct invention and overcome the rejections. No new matter is presented, since the original application provides support for the amendments.

In particular, claims 52, 56 and 60 recite “in the next scanning instance the ones of the resources classified as lower priority are not scanned.” Applicant submits that the references do not teach or suggest this. For support see original application, page 20, line 32 - page 21, line 1.

**REQUESTED ACTION**

Applicant submits that for at least the reasons set out herein above the invention as claimed in accordance with amendments submitted herein is patentably distinct, and hereby requests that Examiner grant allowance and prompt passage of the application to issuance.

Respectfully submitted,

A handwritten signature in black ink that reads "Anthony V S England". The signature is written in a cursive, flowing style.

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